

Canton of Zug

Cantonal Court

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U.S. DISTRICT COURT

Kantonsgericht, Aabachstrasse 3, P.O. Box, 6301 Zug

By registered mail (R)

Ms.
Nicole Küster
Grabenackerstrasse 51
6312 Steinhausen



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Zug, November 26, 2024 krl

RH 2024 18

The United States District Court for the District of Utah in the matter of Capana Swiss Advisors AG and AmeriMark Automotive AG v. Rymark Inc. in re business ownership (Case No.: 2:23-cv-00467-RJS-CMR)

TS

Dear Ms. Küster

Based on the letters rogatory from the United States District Court for the District of Utah as well as Article 160 (1)(b) of the Swiss Code of Civil Procedure (ZPO), you are hereby required to submit the following documents in connection with the proceedings referred to above in writing within **10** days, since according to information from the requesting court, you provided certain accounting services for some of the companies involved in the lawsuit and were also involved in notices and inquiries in connection with German lawsuits in which one of the companies had been involved, for which reason information was requested on these topics:

1. Documents reproducing the communication with the following individuals, including individuals acting in the name of one of the following individuals:
 - a. Miron Leshem
 - b. Grantchester Equity
 - c. Ananda Capital
 - d. David Hestermann
 - e. Orbital AG (including but not limited to Cyrill Staeger and Shaen Bernhardt)
 - f. Capana Swiss Advisors AG (including but not limited to Cyrill Staeger and Shaen Bernhardt)
 - g. AmeriMark Automotive AG
 - h. AmeriMark Group AG
2. Documents and notices, particularly agreements, in connection with transactions in shares of AmeriMark Automotive AG and/or AmeriMark Group AG.

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3. Documents in connection with Whitetree Capital, Ltd.
4. Documents allegedly signed by Nicholas Marks
5. Documents in connection with lawsuits in which AmeriMark Automotive AG and/or AmeriMark Group AG are involved, including declarations in lieu of oath or other document created for these lawsuits.

With regard to your cooperation obligations and rights to refuse, please note Article 160 as well as Article 165 et seq. of the Code of Civil Procedure (ZPO). Unfounded refusal of the cooperation obligations may lead to consequences pursuant to Article 167 ZPO. In this regard, please see the enclosed articles of the law.

We further point out to you that you will need to testify as a witness in the relevant letters rogatory proceedings. You will be provided with the date for witness examination separately. In this respect, we point out the following explanations in advance:

As already mentioned, proceedings are currently under way at the aforementioned Court, for which you are requested to make certain statements which would be entered into the relevant proceedings as evidence. Fundamentally, there are two options available to you that you can assert within the framework of the questioning.

1. The right to refuse to testify according to the Swiss Code of Civil Procedure (Article 165 et seqq. ZPO)

In principle, you as a witness are obligated to make statements. However, there is an exhaustive list of exceptions that grant you the right to refuse to testify. This list is set forth in Articles 165-167 ZPO. These are rights to protect you yourself, your family, or to protect certain professionals. In this case, you are protected from a conflict of loyalties that you would otherwise be faced with by testifying. However, you can also waive this right to refuse to testify, by which action the duty to testify again exists. We will explain these rights to you once again before the oral interrogation.

2. Standard Protective Order pursuant to US law

A special feature in this case is that you also have the possibility of signing a Standard Protective Order if you desire protection through this Standard Protective Order of your own statements made. By filling out this order, you petition the competent court, i.e., the United States District Court of Utah, that specific information is to be handled as particularly confidential if "special reasons" exist for doing so. In this case, the Court would decide whether, e.g., the disclosure of certain information will be prohibited, the terms and conditions for the disclosure of information will be defined, a different method of disclosure is prescribed, or the scope of the investigations will be prohibited or restricted to specific points. However, you must be aware that signing this Standard Protective Order does in fact provide the promised protection if the statements made fall within the scope of the Standard Protective Order and are designated as confidential, but by doing so you therefore also submit to the jurisdiction of the US District Court.

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We are likewise sending you the corresponding declaration in a German version as an attachment. If you intend to sign, you can bring the signed declaration to the witness interrogation; otherwise, we will also provide it to you once again.

Kind regards,
Cantonal Court of the Canton of Zug
Sole Judge

[SIGNATURE]

L. Krähenbühl
Cantonal Judge



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Enclosures mentioned

Copy to:

- The requesting court
- Attorney Chad S. Pehrson, Kunzler Bean & Adamson, 50 W Broadway, Suite 1000, Salt Lake City, Utah 84101, USA, for information